

the administration, and the Energy Committee when we begin the debate. But I am generally comfortable that the legislation is a positive move in the right direction for our country and American consumers.

The bill aims to protect the energy security of the United States and decrease America's dependency on foreign oil sources to less than 50 percent by the year 2010 by enhancing the use of renewable energy sources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies. As written, it will improve environmental quality by reducing emissions of air pollutants, greenhouse gases, and it will, in effect, stunt the increased costs of energy to the American consumer.

But let's take a closer and intensive look at what I perceive are the reasons we are in this energy situation today. Electricity prices are skyrocketing. We are seeing high gasoline prices, oil prices, natural gas prices, and heating oil prices as well. In fact, the price per barrel of oil has gone from \$15.99 in 1992 to well over \$30 this year. Natural gas prices have gone from \$1.74 per thousand cubic feet at the wellhead to nearly \$5 per thousand cubic feet today. Electricity prices in the Northwest have gone from roughly \$20 per megawatt hour in 1992 to nearly \$250 per megawatt hour right now. I don't have a high enough math degree to figure how much of an increase that really is. Gasoline prices were around 93 cents per gallon in 1992 and now sit at nearly a \$1.40 or \$1.50 per gallon today. And these prices are before taxes are added. So prices have gone up across the board for all forms of energy.

The policies of the past 8 years, or as some would say the lack of a clear national energy policy, has contributed to this predicament we find ourselves in today.

In the Northwest, we have seen a 24 percent increase in electricity consumption since 1992, while generation has only increased 4 percent. If you add the California situation into the mix, the discrepancy grows even larger. Further, the Electric Power Research Institute recently found that there is going to be a 20 to 25 percent growth in electricity demand in the next 10 years, but, again, only a 4 percent increase in generation and also the transmission lines to carry that electricity, that power. The stats speak for themselves. If we do not see more generation and the ability to transmit it—if those do not come on-line—high energy prices are here to stay. We must lose the mentality that electricity comes from a switch like the mentality that milk comes from a jug.

Common sense tells us that our regulation policies should allow the supply to meet the demand.

We can and must identify and reform or, in some cases, remove some of the

regulatory burdens. We now have a mandate to assess and improve agency performance, which could lead to more timely processing of permits and applications to produce power.

Public lands in the West, what role do they play? Or should they play a role? They do have a role to play. They may hold the key to the dependency of foreign sources of oil and natural gas. We can and must improve the usage and management of our public lands, which means better coordination with local citizens affected by agency action. And there needs to be consistency within the agencies so that investors have some kind of idea about when they may see a return on their investment.

We have seen that oil and gas exploration increased with the previous administration. That is true. It is a true statement. It is also true that more lands were withdrawn from exploration than in any other administration. Exploration might have increased but, I would ask, did production?

Finally, we must reduce the time and cost for approving exploration and management of development projects. Our Federal agencies need to help ease the pain of regulatory burdens that have been placed on America's energy consumers.

Next, we need to be able to access those vast resources on our public lands. The Federal Government currently manages—now listen to this figure—650 million acres of land. More than 90 percent of this land is west of the Mississippi River. In fact, 52 percent of the land in the West is managed by Federal and State Governments. In Montana, nearly 50 percent of our land is owned by the Federal Government. Folks, 95 percent of the undiscovered oil and 40 percent of the undiscovered gas is estimated to be located under these public lands. It is obvious to me that herein lies a part of our solution to energy dependence on foreign sources. We have the ways and means to manage our natural resources on public lands so that the environment is treated like we would treat our own homes.

I am confident that the new administration, working with Energy Committee Chairman FRANK MURKOWSKI and the rest of the Congress, will develop a comprehensive plan that will take the step to solve the problems that we are facing. As I stated before, we must look at our regulations and regulatory burdens. We must be able to site generation facilities in a timely manner. We, as policymakers and acting in the best interests of all Americans, should be able to site transmission lines in a timely manner.

Finally, we must remove the barriers that stifle incentives for investment in our power markets, while at the same time providing incentives to do the same. We have worked ourselves out of

crisis situations in the past. American ingenuity and imagination will again, in a free market, take its role and provide us again with affordable energy, but it must be allowed to do so. It must be allowed in our shared American values.

REMEMBERING DALE EARNHARDT

Mr. KYL. Mr. President, I rise to speak today about Dale Earnhardt. During this past week, millions of racing fans all around the country have been mourning the death of this stock car great. He was killed on the last turn of the last lap of the prestigious Daytona 500 just a week ago Sunday.

I rise today not only to eulogize Dale Earnhardt but to try to explain to those who are not racing fans why his life and death means so much to those of us who are. I believe there are some lessons of life here that have relevance to all of us and, indeed, to the health of our country.

Why is Dale Earnhardt's death an occasion for such reflection? The first reason has to do with the man himself. I did not know him well. His closest friends talked not just about Dale Earnhardt the race car driver but about Dale Earnhardt the man, a family man, a man who was intensely loyal to his friends, a man who went out of his way to do thoughtful favors, who took great care of his employees, and who helped younger drivers.

Ironically, he died at almost the precise moment that Michael Waltrip took the checkered flag at the Daytona 500 race. It was Waltrip's first victory ever in a very long racing career, well over 400 starts. Dale Earnhardt believed in Michael Waltrip. He believed he could win if he had the right equipment. So he hired him; he provided him a car that could win, and Michael Waltrip did the rest.

Earnhardt always seemed to me quiet; in fact, even shy. But on the track he was anything but shy. He was known as "the Intimidator." That is because of the way he raced. He was tough. It seemed he would always find a way to win, even if his car was not as good that day as some of the others.

Sometimes, especially earlier in his career, he was perhaps too aggressive. But he didn't see racing as a sport for the weak. Indeed, I don't think there is anything wrong with having a strong desire to be the very best you can be. That seemed to be Dale Earnhardt's motivation in life. As racing fans, as sports fans of any kind, we all have our favorites, but no real NASCAR fan would deny that he was the greatest driver of his time.

It takes away nothing from the other great drivers to acknowledge that Dale Earnhardt was the best. He had enormous natural talent and courage. It takes courage to drive a car right on the edge, at 200 miles per hour. He had

experience, racing smarts, and he had an unquenchable will—the will to win. He won seven NASCAR championships, tied only by Richard Petty. He had a lot of other racing victories as well. One of the racing series is called IROC, International Race of Champions, where everybody is given an identical car and it is up to the drivers to show who is the best using identically prepared cars. Earnhardt frequently won because of his skill.

It may be just a sport, but we can all appreciate excellence. Whether in art, music, business, or sport, it is a joy to watch the very best perform. That is one of the reasons Dale Earnhardt will be so sorely missed. His peers will miss him as well as his fans.

Why was he so tough? It had to do with respect. One of the highest accomplishments for a race car driver was to have the respect of Dale Earnhardt. In NASCAR racing, you knew you had made it when Dale Earnhardt said so.

Some wonder how well NASCAR will fare with the death of its greatest driver. But Dale Earnhardt would scoff at that thought. It was always his dream to drive a NASCAR. NASCAR was a great sports organization before he got there, and it will continue to grow. It is the Nation's fastest-growing sport. Just as Richard Petty's 200 wins and 7 championships earned him the moniker "The King," NASCAR will add Dale Earnhardt to its great history and tradition, and it will continue.

Back to the original question: Why do so many millions of Americans mourn his death? I think it has to do with the very nature of NASCAR itself. It is a family affair, and all NASCAR fans consider themselves part of that family. You start with NASCAR itself, the National Association of Stock Car Racing, which was started by Bill France, from Daytona Beach, FL. His family took it over. His son Bill France, Jr., has been the head of NASCAR during its great growth period.

I pray for Bill France, Jr.'s health. He has, in effect, turned most of the business over to other members of his family now and also to the CEO of NASCAR, Mike Helton. The crews, the owners, the sponsors, the drivers, the owners of the tracks, and the media that cover the sport are all a very close-knit unit. The competitors race hard against each other, but they will always come to each other's aid in times of difficulty.

Not only is there a strong sense of values within the people who participate in the sport, but also strong values within the family, starting with a firm belief in God. When the race is over, ordinarily when the driver maneuvers out of the car and claims victory, first of all he will thank God for a safe race. Then he will thank his crew for preparing the car, and he will thank a lot of other people for enabling

him to win. At the races, each Sunday morning before the race starts there is a chapel service and a prayer before the race.

A lot of these things don't characterize typical sports events. These are good people. They are not prima donnas like some other sports figures. They provide interviews and give autographs and do appearances. They appeal to young people. They are really normal people doing very extraordinary things. Fans can relate to them. They look at them not as role models but as people who, in a sense, are like them. Many came up the hard way, as Earnhardt did. He didn't even graduate from high school. His father was a great driver in his own right. Now Dale Earnhardt's son, Dale Jr., will have to do the same.

In the end, Dale Earnhardt is mourned because his life is an example of the American dream. He came from very humble beginnings—in his case, from the small town of Kannapolis, NC—worked hard, and ended up a success. Dale Earnhardt is mourned because he embodied fine qualities: humility, loyalty, caring, hard work, pride in one's work, and the competitive spirit. Most of all, he loved his family and friends.

Today, I join the millions of Americans who are praying for Dale's wife Theresa, his children, and all of the good people who are fans of NASCAR.

Mr. EDWARDS. Mr. President, I rise today to note with sadness the tragic death of Dale Earnhardt.

For the past week, the Nation has mourned the loss of a racing legend.

But in my home State of North Carolina, his death has a special significance because we have lost a cherished native son.

Dale Earnhardt was a hero to countless NASCAR fans in North Carolina and across our country.

His success on the track helped elevate stock-car racing from a regional pastime to a national sport.

Racing brought Dale fame and wealth, but he never forgot his roots in Kannapolis, North Carolina or the hometown fans who backed him from the beginning.

He never let them down. They always knew they could count on Dale to give it his all every time.

Dale Earnhardt was a champion from the start, winning NASCAR rookie-of-the-year honors back in 1975.

In 26 years of racing, Dale won 7 Winston Cup Series titles, 76 races in all, including the 1998 Daytona 500, and became the leading all-time money winner in racing history.

His fans and his fellow racers called him "The Intimidator"—not just because he won so many races—but because he was a fierce competitor.

Dale Earnhardt was more than a great race car driver. He was also a great American success story, rising from poverty and a ninth-grade edu-

cation to become a racing legend and extraordinarily successful businessman.

He was also a great husband to his wife Teresa, and a great father to his children, Taylor, Dale Jr., Kelley, and Kerry. Our hearts go out to them.

North Carolina has lost one of her favorite sons, and NASCAR has lost perhaps its greatest champion. Our prayers go out to his family, friends, and fans.

Mr. HELMS. Mr. President, I was so glad to hear my distinguished colleague from North Carolina talking about Dale Earnhardt. Dale was a remarkable citizen and individual. I knew him well. In fact, when the news came that he had died in the accident, I immediately arranged for a flag to be flown at half-mast over the Capitol to be sent to his widow for use at the funeral.

Dale had a good sense of humor, and he was not unaware of the risk involved in the business in which he chose to participate. I remember when he came to a dinner in Charlotte when I was running for reelection, and he and others had arranged for me to get a "Winston Cup" jacket, I think they called it. It was a thing that only race car drivers can wear with impunity. But I wear it every once in a while because I am so grateful for this industry—and that is what it is in North Carolina, a big business.

Dale Earnhardt was—how do you put it—an authentic American. There was no pretense about him. He was a hero to millions of stock car racing fans who followed his remarkable career as a seven-time Winston Cup champion when that fatal crash occurred on the last lap of the Daytona 500 on February 18.

North Carolina has lost a son and America has lost an incredible hero. Dale Earnhardt touched people whether or not they were fans of the motor sports. Growing up in North Carolina and working at what he loved, he was indeed remarkable. The passion he had for life did not end when he left the track. He carried it over to his family. He lived life to its fullest and loved every second of it.

Race fans throughout the world felt as if they had lost a member of their family—and they had. Known as "The Intimidator" for his aggressive driving style, Dale Earnhardt was a legend not only for his racing career, but for his having guided thousands of young people into useful, meaningful adulthoods. Dale Earnhardt is an inspiration to millions for allowing them to realize that a dream can be achieved.

The United States Senate family extends their deepest sympathy to Mrs. Earnhardt, their two sons and two daughters, and their other loved ones.

Mr. CAMPBELL. Mr. President, it is with great sorrow that I am recognizing today the loss of one of the

greatest NASCAR drivers ever to get behind the wheel, Dale Earnhardt, who tragically died at this year's Daytona 500. The Nation not only lost an icon of the racing world, but also a great man.

Dale Earnhardt's career achievements are vast, better than most teams of drivers. In his 26 years of racing, Dale won 76 races and secured seven Winston Cup Championships. But, the biggest accomplishment Dale earned is the respect and admiration of his fellow drivers and his fans through his hard work and dedication to the sport he loved. Everyone involved in racing will never forget what Dale has done for the sport and how his accomplishments have forever turned racing into a way of life.

He had an aggressive driving style that was rivaled by none, and revered by all. Dale Earnhardt set the standard by which every driver was measured. On the race track it was all business. Off the track he was a man with a huge heart and a tender way who always had time for fans and other racers. You can never replace a driver like Dale Earnhardt, but his legend will live on.

As a motorsports enthusiast myself and co-chair of the Congressional Motorsports Caucus, it is with regret for me to make this Senate floor statement. Today I invite my Senate colleagues to join me in sending my sincere condolences to the Earnhardt family and everyone that has been touched by the man known as the Intimidator on the race track. The number 3 car will be missed on the track. But, racing will go on, Dale would have wanted it that way.

BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA V. GARRETT SUPREME COURT CASE

Mr. THURMOND. Mr. President, during the Congressional recess last week, the Supreme Court issued an extremely important decision regarding the Americans with Disabilities Act and the principles of federalism. The decision, Board of Trustees of the University of Alabama v. Garrett, is one in a series of cases that is helping reassert the role of the States in our Federal system of Government.

The eleventh amendment to the Constitution prohibits States from being sued in Federal court by private citizens for money damages, unless the State consents. In the Garrett case, the Supreme Court said that based on this provision it is unconstitutional for the Congress to hold the States liable for private lawsuits under the ADA. The Congress did not or could not create a record of a pattern of discrimination by the States sufficient to meet the heavy burden required by the Constitution.

While the case referred to Title I of the ADA, which concerns employment discrimination, the reasoning of the

Court should apply equally to all of the ADA and well beyond the ADA.

I would like to note just one example. In 1998, the Supreme Court held that the language of the ADA was clear enough to cover state and local prisons. I immediately introduced legislation to exclude State and local prisons from the ADA because I do not believe that the Congress considered the ADA applying to these institutions when it passed the legislation. After all, the housing of prisoners is a core State function, with about 94 percent of prisoners being maintained in State and local facilities.

I have reintroduced the legislation, S. 34, in this Congress. However, this Supreme Court decision should be very beneficial in limiting the application of the ADA in the prison context on the State level even without the Congress amending the ADA. This is just an example of how this case will help keep the Federal Government out of areas that traditionally have been reserved to the States.

Far too often, the Congress ignores the principles of federalism and acts as though the States are subdivisions of the Federal Government. Decisions such as Garrett remind the Congress that this is simply not the case. The Constitution created a Federal Government of limited, enumerated powers, and those powers that the Constitution does not provide for the Federal Government are reserved to the States and to the people.

The Congress must do more to recognize the separation of powers between the Federal Government and the States. I am pleased that the Supreme Court is showing a renewed respect for the principles of federalism.

RULES OF THE FOREIGN RELATIONS COMMITTEE

Mr. HELMS. Mr. President, pursuant to the requirements of paragraph 2 of Senate rule XXVI, I ask unanimous consent to have printed in the RECORD the rules of the Committee on Foreign Relations for the 107th Congress adopted by the committee on February 7, 2001.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

(Adopted February 7, 2001)

RULE 1—JURISDICTION

(a) *Substantive*.—In accordance with Senate Rule XXV.1(j), the jurisdiction of the Committee shall extend to all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Acquisition of land and buildings for embassies and legations in foreign countries.
2. Boundaries of the United States.
3. Diplomatic service.
4. Foreign economic, military, technical, and humanitarian assistance.

5. Foreign loans.

6. International activities of the American National Red Cross and the International Committee of the Red Cross.

7. International aspects of nuclear energy, including nuclear transfer policy.

8. International conferences and congresses.

9. International law as it relates to foreign policy.

10. International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs).

11. Intervention abroad and declarations of war.

12. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.

13. National security and international aspects of trusteeships of the United States.

14. Ocean and international environmental and scientific affairs as they relate to foreign policy.

15. Protection of United States citizens abroad and expatriation.

16. Relations of the United States with foreign nations generally.

17. Treaties and executive agreements, except reciprocal trade agreements.

18. United Nations and its affiliated organizations.

19. World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes.

The Committee is also mandated by Senate Rule XXV.1(j) to study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time.

(b) *Oversight*.—The Committee also has a responsibility under Senate Rule XXVI.8, which provides that "... each standing Committee ... shall review and study, on a continuing basis, the application, administration, and execution of those laws or parts of laws, the subject matter of which is within the jurisdiction of the Committee."

(c) *"Advice and Consent" Clauses*.—The Committee has a special responsibility to assist the Senate in its constitutional function of providing "advice and consent" to all treaties entered into by the United States and all nominations to the principal executive branch positions in the field of foreign policy and diplomacy.

RULE 2—SUBCOMMITTEES

(a) *Creation*.—Unless otherwise authorized by law or Senate resolution, subcommittees shall be created by majority vote of the Committee and shall deal with such legislation and oversight of programs and policies as the Committee directs. Legislative measures or other matters may be referred to a subcommittee for consideration in the discretion of the Chairman or by vote of a majority of the Committee. If the principal subject matter of a measure or matter to be referred falls within the jurisdiction of more than one subcommittee, the Chairman or the Committee may refer the matter to two or more subcommittees for joint consideration.

(b) *Assignments*.—Assignments of members to subcommittees shall be made in an equitable fashion. No member of the Committee